

No. 496

PETITION FOR WRIT OF CERTIORARI

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U.S. Supreme Court  
FILED  
JAN 5 1949

THE SUPREME COURT  
of the  
UNITED STATES

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SAMUEL KELLEY and NATHAN SWANN,  
PETITIONERS

vs.

JUDGE BRANCH JOHNSON, ET AL.

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X SAMUEL KELLEY,  
*Principal Petitioner.*

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*The Honorable Chief Justice and Associate Justices of  
the Supreme Court of the United States:*

Your petitioners, Samuel Kelley and Nathan Swann, hereinafter referred to as plaintiffs, respectfully represents that they are aggrieved by a final judgment entered against them on March 11th, 1948, by the Law and Equity Court of the City of Richmond, Virginia, and the judgment was affirmed by the Supreme Court of Appeals of Virginia, on October 6, 1948, which caused multiplicity of the aggrieved condition of your petitioners, because, the highest court in the State of Virginia, the capitol of the Old Dominion, concurred with

two inferior courts, in flagrant, malicious, usurpations, encroachment, abridgment and corrupt violations of all of our Federal Civil Rights and of all equal protection of the laws provisions, as are provided for every citizen of the United States and of the State wherein he or she resides, as every person in the United States, born or naturalized, subject to the jurisdiction thereof, is a citizen of the United States and of the State wherein he or she resides.

The decision of the Supreme Court of Appeals of Virginia, in this case imposed upon your petitioners, increased unwarranted burdens grievous to be borne and the burdens are so grievous, it is difficult for us to bewail the extent of our virginity, and while there is a cry from almost every corner of this world for peace, and true administration of justice should establish peace on earth, but three courts down in Richmond, Virginia, completely ignored all the fundamental language and laws of our county, that are adequate to bring peace, not only throughout our land and country, but to cover the whole earth, like the waters cover the channels of the mighty deep. The entire transcript of the record is filed with the Clerk of the Supreme Court of the United States.

The Supreme Court of Appeals of Virginia, erred when it refused to grant a writ of error to its petitioners in this case, despite the fact that, that court is required by laws to decide a case on its merits contained in the record before it, and the record which was before that court, overwhelmingly warranted the granting of a writ of error, because the record which was before that

court in this case, contained absolutely no law, fact, nor evidence, presented by any one of the defendants in this case. See printed record, pages 12 and 13. (fol. 17) (fol. 18) (fol. 19). Also see page 15, Order Refusing Writ of Error—October 6, 1948. The order is without the remotest bit of logic, and does not contain even one word of law nor fact in this case, neither is there even one word in the order, which is based upon even any one point of law contained in or out of the record in this case, and those words "plainly right" could only be used for the presumptuous purpose of concurring in usurpations, encroachment, abridgment, financial jeopardy, malicious encumbrance, corrupt motives, disadvantage, and flagrant violation of your petitioners Federal Civil Rights, upon all of which the notice of motion for judgment for \$10,000.00 (ten thousand dollars) damages in this case is based.

(2) The court erred at least one time each, when it ignored each of those assignments of errors in the printed record. See page 3 (fol. 5) of the printed record, and also pages 4 and 5.

(3) The court erred when it refused to take cognizance of the contents of pages 6, 7, and 8, but especially (fol. 9) on page 6 of the printed record and page 7, (fol. 10) as neither Samuel Kelley nor the subject matter never was constructively before judge Branch Johnson, as the contract was made between Mary E. Brown and the Association for Justice in Virginia, and both Mary E. Brown and Samuel Kelley were then and there members of the Association for Justice in Virginia. Therefore, Mary E. Brown could not have constructively sued

Samuel Kelley neither the Association for Justice in Virginia, without sueing her self, her son, and her three daughters, as all of them were members of the said association, and signed the contract. (fol. 11) (fol. 12) on page 8.

(4) The court erred when it ignored the contents of your petitioners motion and argument which was made to the Law and Equity Court, March 11, 1948. See (fol. 20) pages 14 and 15, of the printed record.

## PAGE 34—FEDERAL CIVIL RIGHTS STATUTE

### TITLE 28—JUDICIAL CODE AND JUDICIARY

Bracket (12) Suits concerning civil rights. Twelfth. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in Section 47 of Title 8. (R. S. 563, par. 11, 629, par. 17; March 3-1911, c. 231, 24, par. 12, 36 Stat. 1092.)

Bracket (13) Suits against persons having knowledge of conspiracy. Thirteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in Section 47 of Title 8, are about to be done, and, having power to prevent or aid in preventing the same, neglect or refuse so to do, to recover damages for any such wrongful act. (R. S. 629, par. 18, Mar. 3, 1911, c. 231, 24, par. 13, 36 Stat. 1092.)

Bracket (14) Suits to redress deprivation of civil rights. Fourteenth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom or usage, of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or any right secured by any law of the United States, providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. (R. S. 563, par. 12, 629, par. 16; Mar. 3, 1911, c. 231, 24, par. 14, 36 Stat. 1092.)

## CONCLUSION

Judge Branch Johnson and Mary E. Brown and C. R. Moss and H. C. Farmer, did conspire against your principle petitioner, to prevent him from advising, assisting, and leading less learned, and illiterate citizens of the United States, in obtaining their rights as provided for them through the courts and otherwise, by the fundamental laws of the United States, and even by the State wherein they reside, and Judge Branch Johnson had full knowledge of the conspiracy and also full power to prevent it, but his own conspiracy was so intense, he said "I am going to give judgment against Kelley, in this case, we don't need an association for justice to investigate any case, we give justice, and the next time Kelley, come up here I am going to send the matter on to the City Attorney's Office." For these and the numerous reasons of the laws set forth in the record, your petitioners prays that

the judgment complained of herein will be reviewed and reversed and a writ of certiorari will be awarded them. Your principal petitioner desires to make oral statement in support of the record and this petition, and to use this petition as his opening brief.

This petition will be filed with the Clerk of the Supreme Court of the United States at Washington 13, D. C.

A copy of this petition was delivered to J. Elliott Drinard, City Attorney and also to C. R. Moss, Attorney, on the 4th day of January, 1949.

Respectfully submitted,

By SAMUEL KELLEY,  
*Principal Petitioner.*

402 North Second Street  
Richmond 19, Virginia  
January 4th, 1949

I, Samuel Kelley, principal plaintiff and also principal petitioner, of Richmond, Virginia, a citizen of the United States and of the State wherein I reside am duly qualified to represent myself, rights, and property, in the Supreme Court of the United States, and I do hereby certify that I am convinced beyond the remotest doubt, that the order complained of in the foregoing petition should be reviewed and reversed and a writ of certiorari awarded.

SAMUEL KELLEY,  
*Principal Petitioner.*